IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 07.09.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice S.MANIKUMAR

W.P. Nos.18067/95 & 5624/96
and WMP No.28500/95

BHEL Backward Classes Welfare
Association (Regd No.70/94)
rep. by its General Secretary
S.Karthikeyan,
BHEL/BAP/Ranipet,
North Arcot Ambedkar District. ... Petr. in both WPs.and WMP.

Vs.

1. The Union of India,
rep. by the Secretary,
Department of Personnel
& Training, Ministry of
Personnel & Training,
New Delhi.

2. The Director of
Apprentices Training,
Ministry of Labour,
Govt. Of India,
New Delhi.

3. Bharat Heavy
Electricals Limited,
Boiler Auxiliaries Plant, rep.
by the Deputy General Manager (P&A),
Ranipet-632 406.

4. The District Employment Officer,
(Technical-Personnel),
District Employment Office,
Kakithapattarai, Vellore,
N.A.A. District. ... Respts. in both WPs.and WMP.

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WP.18067/1995:- Petition under Article 226 of the Constitution of India for the issuance of a writ of mandamus to direct the third respondent to implement the 27% reservation for other Backward Communities while filling up the vacancies for apprentices Training as furnished in Annexure-I to the communication of the third respondent in Ref.No.BAP. P&A.1022-Q dated 10.8.1995.

WP.5624/96:- Petition under Article 226 of the Constitution of India for the issuance of a writ of mandamus to direct the third respondent to implement the 27% reservation for other Backward Communities while filling up the vacancies for apprentice Training as furnished in the communication of the third respondent in Ref.No.BAP. P&A.1017-M dated 29.3.1996.

For Petitioner : Mr.M.Mohan

For Respondent-3 : Mr.B.T.Seshadri

COMMON ORDER

BHEL Backward Classes Welfare Association through its General Secretary has filed the above Public Interest Litigation seeking for the issuance of writ of Mandamus to direct the third respondent to implement the 27% reservation for other Backward Communities while filling up the vacancies for apprentices Training as furnished in the communications of the third respondent dated 10.08.1995 and 29.3.1996.

2. Heard learned counsel for the petitioner as well as the third respondent.

3. In view of the information furnished in the counter affidavit filed by respondents-1 and 2 and also the separate counter affidavit filed on behalf of the third respondent, it is unnecessary to refer to all the factual matrix as stated in the affidavit and the counter affidavit.

4. In the counter affidavit filed on behalf of respondents-1 and 2, it is specifically stated that the third respondent, viz, BHEL (Bharat Heavy Electricals Limited), in accordance with the prevailing procedure, has requested the 4th respondent/Employment Exchange to sponsor candidates in the ratio of 1 : 5. It is further stated that Section 3A of the Apprentices Act, 1961, provides for reservation in training places in the designated trades for SC & ST only. It is also stated that as far as apprenticeship training is concerned, they are governed by Apprentices Act, 1961. The said Apprentices Act does not provide for any reservation for the OBCs

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and, as stated earlier, as per Section 3A of the Act, only SCs & STs are provided with reservation in designated trade.

5. In view of the position as seen from the provisions of the Apprentices Act, 1961, the grievance of the petitioner cannot be considered by this Court. Accordingly, Writ Petitions fail and the same are dismissed. No costs. Connection Miscellaneous Petition is closed.

JI.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1. The Secretary, Union of India, Department of Personnel & Training, Ministry of Personnel & Training, New Delhi.

2. The Director of Apprentices Training,
Ministry of Labour, Govt. of India, New Delhi.

3. Deputy General Manager (P&A),Bharat Heavy Electricals Limited,
Boiler Auxiliaries Plant, Ranipet-632 406.

4. The District Employment Officer, (Technical-Personnel),
District Employment Office, Kakithapattarai, Vellore,
N.A.A. District.

1 cc to Mr.B.T.Seshadri, Advocate, SR.41748

sr (co)

dv./4.10.06

Common Order in WP Nos.18067/95 and 5624 of 1996.

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